

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

An initial probation revocation hearing on a supervised release violations in this case was scheduled before the undersigned Magistrate Judge on July 12, 2005. The United States was represented by Assistant United States Attorney Leonie Grant, and the defendant by Mr. Peter Avenia. The proceedings were recorded on cassette tape.

The defendant had been sentenced on or about May 27, 2003, by the Honorable Marsha J. Pechman on charges of importation of a controlled substance, marijuana. The defendant was sentenced to sixteen (16) months in prison, given credit for time served, and three years of supervised release.

The conditions of supervised release included the requirement that the defendant comply with all local, state, and federal laws, and with the standard conditions, and participate in a substance-abuse program.

**REPORT AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE AS TO ALLEGED
VIOLATIONS OF SUPERVISED RELEASE**

01 In the Violation Report and Request for Warrant dated April 28, 2005, and in the
02 Supplemental Violation Report, dated May 26, 2005, U.S. Probation Officer Monique D. Neal
03 asserted the following violations of the conditions of supervised release:

04 (1) Failing to report to the probation officer as directed and failing to submit a
05 written monthly report to the U.S. Probation Office within the first five days of the month,
06 beginning July 2004, through March 2005, in violation of standard condition No. 2.

07 (2) Using Morphine on or about February 2, 2005, in violation of standard condition
08 No. 7.

09 (3) Failing to report for drug testing as directed by the U.S. Probation Office on
10 February 16, March 7, March 21, April 4, and April 25, 2005, in violation of the special
11 condition that the defendant participate in a program approved by the probation officer for
12 treatment of narcotic addition or drug or alcohol dependency, which may include testing and
13 examination to determine if the defendant has reverted to the use of drugs or alcohol.

14 (4) Using cocaine, marijuana, and hydrocodone on or about May 13, 2005, in
15 violation of standard condition No.7.

16 (5) Using marijuana on or about May 19, 2005, in violation of standard condition
17 No. 7.

18 The defendant admitted to violations No. 1, 2, 3, and 4, and waived any evidentiary
19 hearing as to whether they occurred.

20 The government dismissed violation No. 5.

21 I therefore recommend that the Court find the defendant violated her supervised release
22 as to violations No. 1 through 4, and that a hearing be set before the Honorable Marsha J.
23 Pechman for disposition of these violations.

24 Pending a final determination by the Court, the defendant has been detained.

DATED this 12th day of July, 2005.



JAMES P. DONOHUE
United States Magistrate Judge

cc: District Judge: The Hon. Marsha J. Pechman
AUSA: Ms. Leonie Grant
Defendant's attorney: Mr. Peter Avenia
Probation officer: Ms. Monique D. Neal